

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5523 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

A K SHAH ADDL GEN SEC

Versus

SECRETARY OR HIS SUCCESSOR

Appearance:

MR DS VASAVADA for Petitioners

MR MD PANDYA for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 01/11/1999

ORAL JUDGEMENT

1. Having heard the learned counsel for the parties and coupled with the facts that the adverse remarks, whatever may be their value and worth, for the years 1970-71 and 1972-73 were not communicated to the petitioner and the adverse remarks for the year 1971-72 were communicated to the petitioner are not of substantial nature, the denial of benefit of higher pay scale to the petitioner from 9-5-1975 is wholly

arbitrary.

2. In the year 1970-71, the petitioner was posted in the Meter Testing Laboratory at Jamnagar. It is not the report of the reporting officer that the work which was assigned to him has not been discharged by him satisfactorily. What has been reported is that " he has not shown enthusiasm for any other work than Meter Testing Laboratory". It is not shown that in which other work the petitioner has to take interest other than the Meter Testing and when he was not required to do another work how far it is justified to say that he has not shown enthusiasm for any other work. These adverse remarks though are there but are not of any substantial nature and that too to the extent where the petitioner should have been denied the benefit of higher pay scale from 9-5-1975. The denial of higher pay scale/allowances results in serious civil consequences and only in case where the petitioner is really lacking interest in the work or where his work is adversely reported in connection with the job and duty which has been assigned to him then only there may be some justification in denial thereof but not otherwise.

3. As a result of the aforesaid discussion, this special civil application succeeds and the same is allowed. The respondent- Board is directed to review the case of the petitioner for grant of higher pay scale to him w.e.f. 9-5-1975 after excluding the adverse remarks for the year 1971-72. Rule is made absolute in the aforesaid terms with no order as to costs.

zgs/-